

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Andrea Brooks

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

New Hampshire^v Family Court

William A. D'Errico

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

17CV40049 TSH

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Andrea Brooks
 96 Old County Road
 Winchendon Worcester county
 Massachusetts 01475
 675 581 2517

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

New Hampshire Family Court 9th Circuit
Merrimack - Judge Michael J Ryan
4 Babcock Lake Road
Merrimack Hillsborough county
New Hampshire 03054

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

William Albert D'Errico Jr.
13 Mobile Coach Lane
Mont Vernon Hillsborough
New Hampshire 03057 county
603 533 1952

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

August 17, 2017
 (2) 1/10/17 10:00 AM - 10:00 AM
 10:00 AM - 10:00 AM
 10:00 AM - 10:00 AM
 10:00 AM - 10:00 AM

Defendant No. 1
 Name
 Job or Title
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if any)

William J. Evans Jr.
 1000 1000 1000
 1000 1000 1000
 1000 1000 1000
 1000 1000 1000

Defendant No. 2
 Name
 Job or Title
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if any)

Defendant No. 3
 Name
 Job or Title
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if any)

Defendant No. 4
 Name
 Job or Title
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if any)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

see attached

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

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b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

see attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attached

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

April 24, 2017

Signature of Plaintiff

Printed Name of Plaintiff

Andrea Brooks
Andrea Brooks (Pro Se)

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

COMPLAINT FOR CIVIL CASE

I. The Parties to This Complaint

A. The PLAINTIFF

Andrea Brooks
96 Old County Road
Winchendon Worcester county
Massachusetts 01475
617-581-2571

B. The Defendants

Defendant Number 1

New Hampshire Family Court 9th Circuit Merrimack (Judge Michael Ryan)
4 Baboosic Lake Road
Merrimack Hillsborough county
New Hampshire 03054

Defendant Number 2

William Albert D'Errico Jr.
13 Mobile Coach Lane
Mont Vernon Hillsborough county
New Hampshire 03057
603-533-1952

II. Basis for Jurisdiction - Federal question

A. If the Basis for Jurisdiction is Federal Question List the Specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 USC 1443 Civil rights cases

42 USC 1983 Civil action for deprivation of rights

455 US 745 Santosky v. Kramer - The Supreme Court clarified that all federal courts have subject matter jurisdiction over the constitutionality of state custody actions

28 USC 1331 Federal Question

COMPLAINT FOR CIVIL CASE

14th Amendment to the US Constitution - Due Process

Civil Rights Act of 1964 - PLAINTIFF is a member of a Protected Class

III. Statement of Claim

1. In 2013 PLAINTIFF and CO-DEFENDANT (D'ERRICO) agreed to co-parent their minor child by verbal agreement outside of Middlesex Family Court
2. In 2015 CO-DEFENDANT (D'ERRICO) began to limit PLAINTIFF's parenting time
3. In 2015 PLAINTIFF sought relief at Family Court in New Hampshire but PLAINTIFF was denied financial assistance and could not afford the exorbitant filing fee.
4. February 6, 2017 PLAINTIFF filed a Petition to Change Court Order in New Hampshire Family Court
5. In return, CO-DEFENDANT (D'ERRICO) Filed a Petition to Terminate Parental Rights on February 10, 2017
6. March 1, 2017 PLAINTIFF filed a Motion for Expedited Hearing (regarding Parenting Time)
7. March 1, 2017 PLAINTIFF also filed a Motion for Contempt
8. March 14, 2017 Judge Michael J. Ryan GRANTED the motion for Expedited Hearing but only scheduled a hearing on contempt
9. Contempt Hearing was scheduled for April 4, 2017 3:00PM
10. An Expedited Hearing for Parenting Time was not scheduled
11. PLAINTIFF was not treated fairly by JUDGE RYAN during the April 4, 2017 hearing.
12. At the April 4, 2017 hearing JUDGE RYAN said he would mail temporary orders for Parenting Time he did not
13. April 4, 2017 PLAINTIFF filed a motion for Change of Venue citing bias during the hearing

COMPLAINT FOR CIVIL CASE

14. JUDGE RYAN cancelled the Structuring Conference that was originally scheduled for May 5, 2017 8:30AM
15. Rules of the Circuit Court of the State of New Hampshire--Probate Division--Rule 62 Structuring Conferences and Pretrial Procedures--The Court SHALL schedule a structuring conference for each contested case entered on the docket.
16. JUDGE RYAN scheduled a Final Hearing for May 5, 2017 9:00AM
17. April 7, 2017 PLAINTIFF requested the audio transcript of the April 4, 2017 Hearing (Receipt No. 00760-2017-457)
18. PLAINTIFF became privy to EX PARTE communication between JUDGE RYAN and Cynthia P. Gilman (attorney for CO-DEFENDANT D'ERRICO) recorded after the April 4, 2017 Hearing.
19. JUDGE RYAN told PLAINTIFF the Hearing was over not allowing PLAINTIFF to speak.
20. PLAINTIFF then asked the bailiff if there was enough time to file a motion. Bailiff said court closed at 4:00.
21. PLAINTIFF exited the courtroom and Attorney Gilman asked JUDGE RYAN a question which was answered by JUDGE RYAN.
22. PLAINTIFF was not notified by CO-DEFENDANT (NH FAMILY COURT) of the EX PARTE communication
23. April 18, 2017 PLAINTIFF filed a Pretrial Statement (8 pages - 50 paragraphs) attesting to facts about the case
24. April 18, 2017 PLAINTIFF also filed a motion to Enforce my Pro Se Rights
25. April 19, 2017 JUDGE RYAN rescheduled the Final Hearing for May 31 2017 9:00 without mailing temporary orders for Parenting Time

COMPLAINT FOR CIVIL CASE

26. CO-DEFENDANT (NH FAMILY COURT) violated PLAINTIFF's right to Due Process under the 14 Amendment to the US Constitution by cancelling the structuring conference and failing to issue temporary orders regarding Parenting Time
27. PLAINTIFF is a member of a protected class and as such PLAINTIFF is protected from racial discrimination under the Civil Right Act of 1964

IV. Relief

1. PLAINTIFF seek Removal of New Hampshire Case 657-2016-DM-00291 to federal court (originally Massachusetts case 10W1723 Middlesex Family Court)
2. PLAINTIFF seeks Joint Legal Custody of minor child: W.A.D.
date of birth July 20, 2010
 - a) Legal Custody gives PLAINTIFF the right to speak with child's teachers, medical professionals, access to records, etc.
3. PLAINTIFF seeks Joint Physical Custody of minor child W.A.D.
date of birth July 20, 2010
4. PLAINTIFF seeks Parenting Time as Follows:
 - a) DURING THE SCHOOL YEAR
 - (1) 1st, 3rd, and 5th Fridays from school pick-up to Monday school drop-off (Tuesday if holiday weekend)
 - (2) Mother's Day
 - (a) from 6pm the previous day
 - (3) Thanksgiving Vacation
 - (a) PLAINTIFF shall have Parenting Time during the even years including Thanksgiving Day
 - (i) Pick-up and Drop-off at child's school
 - (4) Christmas Vacation

CONFIDENTIALITY NOTICE

2017-03-06 (INVEST - 1st Family Court) - 1st Family Court
in the District of Columbia for the 1st Family Court
in the District of Columbia for the 1st Family Court

CONFIDENTIALITY NOTICE

2017-03-06 (INVEST - 1st Family Court) - 1st Family Court

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2017-03-06 (INVEST - 1st Family Court) - 1st Family Court

COMPLAINT FOR CIVIL CASE

(a) PLAINTIFF shall have Parenting Time during
the odd years including Christmas Day

(i) Pick-up and Drop-off at child's school

(b) One day (not Christmas or Christmas Eve)

midweek noon to 7pm with the other parent

(i) Pick-up and Drop-off at PLAINTIFF local
library

(5) February and April vacations

(a) PLAINTIFF shall have Parenting Time during
said school vacations

(b) Wednesday noon to 7pm with the other parent

b) DURING SUMMER VACATION

(1) Alternate Parenting Time every two weeks

(a) Sunday 3PM transition at the local library

(i) Parent starting their Parenting Time is
responsible for driving to the local library
of the other parent to meet for pick-up

5. PLAINTIFF seeks reimbursement of all court filing fees

a) \$252 Petition in New Hampshire Family Court

b) \$25 Request Audio Recording for April 4, 2017 Hearing

c) \$400 Petition in Federal Court

6. PLAINTIFF seeks Compensatory Damages of \$250,000 from New
Hampshire Family Court for:

a) Violations of Right to Due Process

(1) Family Court neglected to issue temporary orders for
Parenting Time

b) Mental Anguish and Suffering from Separation from my son

COMPLAINT FOR CIVIL CASE

(1) PLAINTIFF has no scheduled Parenting Time despite filing a Petition for Parenting Time in New Hampshire Family Court February 6, 2017

c) **Deprivation of Parenting Time**

(1) Denied Financial Assistance in 2015 despite indigency (PLAINTIFF was on Mass Health insurance)

(2) PLAINTIFF's Parenting Time has been limited since 2015

7. PLAINTIFF seeks Compensatory Damages of \$250,000 from New Hampshire Family Court for:

a) Discrimination against a member of a Protected Class protected by the Civil Rights Act of 1964

b) Mental Anguish and Humiliation at being singled out for mistreatment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint:

(1) Is not being presented for an improper purpose such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) Is supported by existing law or by nonfrivolous argument for extending, modifying, or reversing existing law;


(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) The complaint otherwise complies with Rule 11.

A. For Parties Without an Attorney

COMPLAINT FOR CIVIL CASE

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 24, 2017
Signature of Plaintiff 
Printed Name of Plaintiff Andrea Brooks (Pro Se)